



20 December 2021

(21-9477)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>UNITED KINGDOM</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Department for Levelling Up, Housing and Communities Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: UK TBT Enquiry Point Trade Policy Group Department for International Trade Old Admiralty Building London SW1A 2DY TBTEnquiriesUK@trade.gov.uk
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Construction products as defined in regulation 3 of the draft regulations, i.e. any product or kit which is placed on the market for permanent incorporation in any construction works.
5. Title, number of pages and language(s) of the notified document: The Construction Products Regulations 2022 (55 page(s), in English)
6. Description of content: These regulations will be made under the Building Safety Bill (once it has received Royal Assent) and will extend the existing regulatory framework to cover all construction products placed on the market in the UK. The existing regulatory framework for construction products, which derives from EU law, will remain in place for Great Britain (the EU regulatory regime for construction products will continue to apply in Northern Ireland as per the Northern Ireland Protocol). The regulation of safety critical products and the requirement for construction products to be safe will be extended to Northern Ireland. The intention of these regulations is to require that construction products placed on the UK market are safe, and can be used safely. It will do this by placing obligations on economic operators in the supply chain, including to carry out a risk assessment, provide customer information and to take corrective measures where necessary. The Bill includes a power to create a statutory list of 'safety critical' construction product standards (where their failure would risk causing serious injury or death). The regulations set out that manufacturers will be required to complete a declaration of performance, put in place factory production controls and follow the specified system of assessment and verification of constancy of performance to ensure that the claimed

performance is consistently met. This will bring the regulation of these products in line with arrangements for products covered by the existing regulatory framework, including the affixation of a UKCA mark. Other economic operators in the supply chain will have obligations placed on them to support compliance with these requirements.

These regulations will strengthen the market surveillance and enforcement regime for construction products so that safety concerns can be identified and dealt with, and action can be taken against those who do not comply with the regulations. This includes powers to investigate, take civil action or prosecute economic operators for breaches in construction products regulations.

- 7. Objective and rationale, including the nature of urgent problems where applicable:** Following the fatal fire at Grenfell Tower, it became apparent that many construction products do not fall under a regulatory framework. This means that regulators lack powers to act if certain products do not perform in the way they are claimed to, or if they are unsafe. We want to make sure that construction products fall under a proportionate regulatory regime that protects the public effectively from products that are not safe. To be effective, our reforms must achieve their objective to ensure that products are safe, and can be used safely, in a way that is proportionate to the risk posed by the product. That is why the most stringent requirements (which are equivalent to the existing regulatory regime), including providing clear and accurate performance information, undertaking third-party conformity assessment (where required) and affixing the UKCA marking, will fall only on construction products deemed to be safety critical, where their failure would risk causing serious injury or death. Other products which currently fall outside of clear regulatory requirements will be required to be safe before they can be placed on the market, aligning with the minimum standard required for consumer products. This broad outcome-based requirement to assess safety risks, rather than requiring specific standards will ensure that the reformed regime will enable rather than restrict market access for innovative products. A new national regulator for construction products will more effectively and proportionately enforce this reformed regulatory framework, improving the ability to remove non-compliant products from the market and to deter non-compliance. This will help to level the playing field between companies who follow best practice and who comply with the law, and those that try to seek a competitive advantage through non-compliance.; Protection of human health or safety

8. Relevant documents:

The draft Construction Products Regulations:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024841/DRAFT_construction_products_regulations_2022.pdf

9. Proposed date of adoption: Spring 2023

Proposed date of entry into force: Spring (April) 2024

10. Final date for comments: 60 days from notification

11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:

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Trade Policy Group
Department for International Trade
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